

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MAY 28, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-34152 - APPLICANT: CLEAR WIRELESS, LLC -  
OWNER: KP PROPERTIES, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Wireless Communication Facility, Non-Stealth Design (Not Qualifying for Conditional Use Approval).
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The applicant shall obtain all necessary building permits for the existing arrays within 90 days, and a final inspection within one year.
4. The existing arrays shall be painted to match the building to which they are attached.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow the installation of additional antennas on to existing arrays mounted on the side and roof of an existing building. The existing arrays have not been permitted or received final inspections. Staff is recommending approval of this request as the arrays are not readily visible from the public right-of-way and will have little impact on the surrounding land uses; however, the acquisition of building permits and final inspections will be required.

**BACKGROUND INFORMATION**

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval.
03/09/09	The Planning and Development Department administratively denied a request for a Minor Site Development Plan Review (SDR-33457) for the installation of a Wireless Communication Facility, Stealth Design consisting of three (3) antennas and three (3) microwave dish antennas on the roof of an existing building located at 1050 E. Sahara Avenue (APN 162-03-801-118), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

<i><b>Related Building Permits/Business Licenses</b></i>	
c. 1984	Commercial building constructed.
	There are no building permits associated with a Wireless Communications Facility.

<i><b>Pre-Application Meeting</b></i>	
03/25/09	<p>A pre-application meeting was held to discuss the submittal requirements for a Special Use Permit, including:</p> <ul style="list-style-type: none"> <li>• The location of the subject site is within 500 feet of the boundary with Clark County. As a result, the application for a Special Use Permit is deemed to be a "Project of Regional Significance".</li> <li>• The proposed antennas are to be installed on existing arrays on the roof and on the side of the building.</li> </ul>

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<b><i>Neighborhood Meeting</i></b>
A neighborhood meeting was neither required nor held for this application.

<b><i>Field Check</i></b>
04/21/09
A field check was conducted by staff. The existing wireless arrays were noted on the roof and west side of the building; the arrays are grey in color and do not match the color of the existing building, but are not readily visible from the public right-of-way.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.48 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial / Retail Building	C (Commercial)	C-1 (Limited Commercial)
North	Commercial / Retail Building	C (Commercial)	C-1 (Limited Commercial)
South	Commercial / Retail Building	CG (Commercial General– Clark County)	C-2 (General Commercial – Clark County)
East	Commercial / Retail Building	C (Commercial)	C-1 (Limited Commercial)
West	Commercial / Retail Building	C (Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Beverly Green / Southridge Neighborhood Plan	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (175 Feet)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>	X		Y

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	N/A	21,285 SF	Y
Min. Lot Width	100 Feet	110 Feet	Y
Min. Setbacks			
• Front	20 Feet	72 Feet	Y
• Side	10 Feet	5 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	85 Feet	Y
Max. Building Height	N/A	60 Feet	Y
Mech. Equipment	Screened	Screened	Y

**ANALYSIS**

• **Use**

A Wireless Communication Facility, Stealth Design is a wireless communication facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. This proposal is to add antennas to two existing roof-mounted antenna arrays and one building-mounted array, which are then to be painted to match the existing building. The existing arrays are not readily visible from the public right-of-way or from adjacent properties, and when painted to match the existing building, they will be virtually unnoticeable, thereby having little or no impact on the adjacent properties.

A Minor Site Development Plan Review (SDR-33457) was denied by the Planning and Development Department on 03/09/09 pursuant to Minimum Conditional Use Regulation 1(b), resulting in the need for this Special Use Permit.

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**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The existing antenna arrays are not readily visible from the public right-of-way, and will have little impact on the adjacent properties; therefore, the proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable for the type and intensity of land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site has adequate access from Sahara Avenue, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways, as the proposed use will have little traffic associated with it.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed development is subject to permit review and inspection, as conditioned; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use meets all applicable conditions per Title 19.04.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 99

**APPROVALS** 0

**PROTESTS** 0